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2 United States Attorney
3 M. G. FRANCISCUS
4 Assistant U. S. Attorney
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9 Attorneys for Plaintiff

ORIGINAL

DOCKETED AND ENTERED

JUL 20 1956

CLERK, U. S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]*
Deputy Clerk

FILED

JUL 20 1956

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

CLERK, U. S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]*
Deputy Clerk

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 CERTAIN PARCELS OF LAND IN THE
15 COUNTY OF LOS ANGELES, STATE OF
16 CALIFORNIA, etc., et al.,
17 Defendants.

No. 2794-PH Civil

JUDGMENT CORRECTING ERRORS
IN THE RECORD AND REVESTING
CERTAIN LAND, and STIPULATION
THEREFOR

19 This case coming on to be heard upon the application of
20 plaintiff United States of America, by Laughlin E. Waters, United
21 States Attorney, and M. G. Franciscus, Assistant U. S. Attorney,
22 and Dominguez Water Corporation, County of Los Angeles, a body
23 politic and corporate, Hazel Kellogg, Jacob L. Feinfeld, Executor
24 of the estate of Charles Yaeger, deceased, General Petroleum
25 Corporation, and Shell Chemical Corporation; and

26 It appearing that the original complaint in this case was
27 filed March 6, 1943, and described certain lands designated as
28 Parcels 1, 2, 3 and 4; and

29 It appearing that the first amended complaint in this case
30 was filed December 22, 1943, and described lands designated as
31 Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
32 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29; and

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1 K, L, M, and R; and

2 It appearing that on June 30, 1944 there were vested in the
3 defendant Hazel Kellogg certain easements for road purposes and
4 for public utilities, as are more particularly described in
5 instruments of record prior to said date, which easements touched
6 and concerned Parcels D and P; and

7 It appearing that on June 30, 1944 there were vested in
8 Charles Yaeger certain easements for road purposes as are more
9 particularly described in instruments of record prior to said
10 date, which easements touched and concerned Parcels F, H, I, J,
11 K, L, M and N; and

12 It appearing that the Attorney General of the United States
13 is empowered by the provisions of Title 40, Sec. 258f, of the
14 United States Code, to stipulate and agree on behalf of the
15 United States of America to exclude any property or any part
16 thereof or any interest therein that may have been taken by or in
17 behalf of the United States of America by declaration of taking
18 or otherwise, from this proceeding and from the effect thereof;
19 and

20 It appearing that in the first amended complaint as filed
21 December 22, 1943 five of the parcels therein described were
22 designated as 3, 4, 5, 6 and 7; and

23 It appearing that the estate sought to be taken in said
24 parcels was an easement for a pipe line vested in the defendant
25 General Petroleum Corporation, that is to say, the defendant
26 General Petroleum Corporation owned an easement for a pipe line
27 along the southern boundaries of Lots 17, 32, 41, 57 and 66 of
28 Tract 4671, as per map recorded in Book 56, pages 30 and 31 of
29 Maps, in the office of the County Recorder of Los Angeles County,
30 the interest of the General Petroleum Corporation in the said lots
31 being designated in the first amended complaint as Parcels 3, 4,
32 5, 6 and 7, as aforesaid, and it being the purpose and intention

1 of the plaintiff to extinguish the said easement; and

2 It appearing that the second amended complaint did not con-
3 tain any mention of Parcels 3, 4, 5, 6 and 7, and did not name
4 General Petroleum Corporation as a defendant, and therefore had
5 the effect of excluding these parcels from this action; and

6 It appearing that the declaration of taking filed June 30,
7 1944, and the decree on said declaration of taking made July 3,
8 1944 also contained no mention of Parcels 3, 4, 5, 6 and 7, or
9 of the defendant General Petroleum Corporation; and

10 It appearing that the plaintiff and the said defendant
11 General Petroleum Corporation executed a stipulation as to said
12 Parcels 3, 4, 5, 6 and 7, September 17, 1947, pursuant to which
13 a final judgment was made September 23, 1947, fixing just com-
14 pensation for the taking of the defendant General Petroleum
15 Corporation's interest in said parcels in the amount of \$6,500,
16 and providing that upon deposit of said amount the interest of
17 said defendant should be vested in the plaintiff; and

18 It appearing that said amount of \$6,500 was deposited in
19 the Registry of this Court September 24, 1947, and thereafter
20 disbursed to said defendant; and

21 It appearing that individual judgments have been entered
22 on each of the parcels taken herein, that is to say, Parcels A,
23 B, C, D, E, F, G, H, I, J, K, L, M, N, P, R, S, T, U, V and W; and

24 It appearing that many of these judgments recite that the
25 estate taken is that set forth in the declaration of taking, and
26 the declaration of taking failed to except existing easements for
27 public roads and highways, for public utilities, for railroads
28 and for pipe lines of record, as aforesaid; and

29 It appearing that each of said judgments reserved jurisdic-
30 tion for entry of further orders, and it being evident that an
31 order should be made correcting the judgments as to each of said
32 parcels so as to state that the estate taken by the plaintiff was

1 subject to easements for public roads and highways, for public
2 utilities, for railroads, and for pipe lines of record; and

3 It appearing that the real property acquired in this con-
4 demnation proceeding was conveyed to Shell Chemical Corporation
5 by the Rubber Producing Facilities Disposal Commission by deed
6 dated April 19, 1955; and

7 It further appearing that each of the parties hereto has
8 disclaimed any compensation due as a result of this condemnation,
9 except the above amounts already paid, if any,

10 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

11 I

12 That there is hereby excluded from this taking and revested
13 in Dominguez Water Corporation the aforesaid easements of record
14 owned by it on June 30, 1944.

15 II

16 That there is hereby excluded from this taking and revested
17 in County of Los Angeles the public rights of way which on June
18 30, 1944 burdened Parcels K, L and M, except where it expressly
19 appears from the declaration of taking that the interest sought
20 to be acquired was a public way; that the drainage easement
21 taken in Parcel R is subject to the public way which on June 30,
22 1944 burdened the said parcel.

23 III

24 That there is hereby excluded from this taking and revested
25 in Hazel Kellogg the road easements and the easements for public
26 utilities which on June 30, 1944 burdened Parcels D and P.

27 IV

28 That there is hereby excluded from this taking and revested
29 in Jacob L. Feinfeld, as executor of the estate of Charles Yaeger,
30 deceased, the easements for road purposes which on June 30, 1944
31 burdened Parcels F, H, I, J, K, L, M and N.

32

V

That the second amended complaint is hereby amended to include Parcels 3, 4, 5, 6 and 7 as described in the first amended complaint on file herein, it being expressly understood by plaintiff and the defendant General Petroleum Corporation that the estate taken therein was the easement of the said General Petroleum Corporation for a pipe line; that said easement became vested in the plaintiff September 24, 1947.

VI

That the Court reserves jurisdiction herein to make such other and further orders, judgments, and decrees as shall be necessary and proper.

DATED: this 19 day of July, 1956.
~~April~~

Garrison on Hall
Judge, United States District Court

Presented by:

LAUGHLIN E. WATERS
United States Attorney

M. G. FRANCISCUS
Assistant U. S. Attorney

By M. G. Franciscus
Attorneys for Plaintiff

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8	Title
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S T I P U L A T I O N

The parties hereto STIPULATE AND AGREE that trial or other hearing upon the issues in the above-captioned matter, and the making, service and filing of findings of fact and conclusions of law, are hereby expressly waived, and it is FURTHER STIPULATED AND AGREED that the above and foregoing judgment may be made and entered upon application of the plaintiff without notice, and each and all of the terms and conditions recited in said judgment are hereby ratified, approved, confirmed and adopted and are hereby made the terms and conditions of this stipulation.

DATED: This 24th day of May, 1956.

LAUGHLIN E. WATERS
United States Attorney

M. G. FRANCISCUS
Assistant U. S. Attorney

By M. G. Franciscus
Attorneys for Plaintiff

DOMINGUEZ WATER CORPORATION

By _____

Title

COUNTY OF LOS ANGELES, a body politic
and corporate

By Harold W. Kennedy, County Counsel, Los Angeles
Paul F. Lowrey, Deputy County Counsel
Title

HAZEL KELLOGG

JACOB L. FEINFELD, Executor of the
estate of Charles Yaeger, deceased

GENERAL PETROLEUM CORPORATION

By _____

Title

SHELL CHEMICAL CORPORATION

By _____

Title

S T I P U L A T I O N

The parties hereto STIPULATE AND AGREE that trial or other hearing upon the issues in the above-captioned matter, and the making, service and filing of findings of fact and conclusions of law, are hereby expressly waived, and it is FURTHER STIPULATED AND AGREED that the above and foregoing judgment may be made and entered upon application of the plaintiff without notice, and each and all of the terms and conditions recited in said judgment are hereby ratified, approved, confirmed and adopted and are hereby made the terms and conditions of this stipulation.

DATED: This 15th day of May, 1956.

LAUGHLIN E. WATERS
United States Attorney

M. G. FRANCISCUS
Assistant U. S. Attorney

By M. G. Franciscus
Attorneys for Plaintiff

DOMINGUEZ WATER CORPORATION

By _____

Title

COUNTY OF LOS ANGELES, a body politic and corporate

By _____

Title

Hazel Kellogg
HAZEL KELLOGG

JACOB L. FEINFELD, Executor of the estate of Charles Yaeger, deceased

GENERAL PETROLEUM CORPORATION

By _____

Title

SHELL CHEMICAL CORPORATION

By _____

Title

S T I P U L A T I O N

The parties hereto STIPULATE AND AGREE that trial or other hearing upon the issues in the above-captioned matter, and the making, service and filing of findings of fact and conclusions of law, are hereby expressly waived, and it is FURTHER STIPULATED AND AGREED that the above and foregoing judgment may be made and entered upon application of the plaintiff without notice, and each and all of the terms and conditions recited in said judgment are hereby ratified, approved, confirmed and adopted and are hereby made the terms and conditions of this stipulation.

DATED: This 7th day of May, 1956.

LAUGHLIN E. WATERS
United States Attorney

M. G. FRANCISCUS
Assistant U. S. Attorney

By M. G. Franciscus
Attorneys for Plaintiff

DOMINGUEZ WATER CORPORATION

By _____

Title

COUNTY OF LOS ANGELES, a body politic and corporate

By _____

Title

HAZEL KELLOGG
Jacob L. Feinfeld
JACOB L. FEINFELD, Executor of the estate of Charles Yaeger, deceased

GENERAL PETROLEUM CORPORATION

By _____

Title

SHELL CHEMICAL CORPORATION

By _____

Title

S T I P U L A T I O N

The parties hereto STIPULATE AND AGREE that trial or other hearing upon the issues in the above-captioned matter, and the making, service and filing of findings of fact and conclusions of law, are hereby expressly waived, and it is FURTHER STIPULATED AND AGREED that the above and foregoing judgment may be made and entered upon application of the plaintiff without notice, and each and all of the terms and conditions recited in said judgment are hereby ratified, approved, confirmed and adopted and are hereby made the terms and conditions of this stipulation.

DATED: This 24th day of May, 1956.

LAUGHLIN E. WATERS
United States Attorney

M. G. FRANCISCUS
Assistant U. S. Attorney

By M. G. Franciscus
Attorneys for Plaintiff

DOMINGUEZ WATER CORPORATION

By _____

Title

COUNTY OF LOS ANGELES, a body politic
and corporate

By _____

Title

HAZEL KELLOGG

JACOB L. FEINFELD, Executor of the
estate of Charles Yaeger, deceased

GENERAL PETROLEUM CORPORATION

By John H. Lilgren
Attorney
Title

SHELL CHEMICAL CORPORATION

By _____

Title